



ENVIRONMENTAL PROTECTION AGENCY

[FRL 9794-9]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of Proposed Settlement Agreement; Request for Public Comment

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended

("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement to settle a lawsuit filed by Louisiana Environmental Action

Network and Sierra Club in the United States District Court for the District of Columbia:

Louisiana Environmental Action Network and Sierra Club v. Jackson, Case No. 12-1096

(D.D.C.) ("LEAN v. Jackson"). Plaintiffs filed this suit to compel the Administrator to

respond to two administrative petitions (the "June 2010 petition" and the "May 2011

petition") requesting, among other things, that EPA object to CAA Title V operating

permits issued by the Louisiana Department of Environmental Quality to Consolidated

Environmental Management, Inc.—Nucor Steel Louisiana for a pig iron manufacturing

process and for a direct reduced iron manufacturing process in St. James Parish,

Louisiana. Under the terms of the proposed settlement agreement, EPA would agree to

sign an order granting or denying one objection ("Specific Objection I") in the May 2011

petition under 42 U.S.C. 7661d(b)(2) by April 29, 2013, and to sign an order or orders

granting or denying the June 2010 petition and May 2011 petition (except for Specific

Objection I) under 42 U.S.C. 7661d(b)(2) by October 17, 2013.

DATES: Written comments on the proposed settlement agreement must be received by

[insert date 30 days after publication date].

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2013-0212, online at www.regulations.gov (EPA's preferred method); by e-mail to oei.docket@epa.gov; by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Melina Williams, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone: (202) 564-3406; fax number (202) 564-5603; email address: williams.melina@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional information about the proposed settlement agreement.

This proposed settlement agreement would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, two administrative petitions to object to CAA Title V operating permits issued by the Louisiana Department of Environmental Quality to Consolidated Environmental Management, Inc.—Nucor Steel Louisiana for a pig iron manufacturing process and for a direct reduced iron manufacturing process in St. James Parish, Louisiana. Under the terms of the proposed settlement agreement, EPA would agree to sign an order granting or denying one objection (“Specific Objection I”) in the May 2011

petition under 42 U.S.C. 7661d(b)(2) by April 29, 2013, and to sign an order or orders granting or denying the June 2010 petition and May 2011 petition (except for Specific Objection I) under 42 U.S.C. 7661d(b)(2) by October 17, 2013. Once EPA has signed such orders, EPA would be required to promptly provide written notice to Plaintiffs. If the proposed settlement agreement becomes final and EPA has provided Plaintiffs notice of the signed orders as required in Paragraphs 1 and 2 of the proposed settlement agreement, Plaintiffs would be required to file a motion for voluntary dismissal of the First Amended Complaint with prejudice in LEAN v. Jackson. In addition, the proposed settlement agreement contains provisions relating to the publication of notice of the signed orders in the Federal Register and relating to the settlement of Plaintiffs' claims for attorneys' fees and costs.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

II. Additional information about commenting on the proposed settlement agreement.

A. How Can I Get A Copy Of the Settlement Agreement?

The official public docket for this action (identified by Docket ID No. EPA-HQ-

OGC-2013-0212) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through www.regulations.gov. You may use the www.regulations.gov to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket identification number.

It is important to note that EPA’s policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at www.regulations.gov without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA’s policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA’s electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the www.regulations.gov website to submit comments to EPA electronically is EPA’s preferred method for receiving comments. The electronic public docket system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA’s electronic public docket, EPA’s electronic mail (e-mail) system is not an “anonymous access” system. If you send an e-mail comment directly to the Docket without going through www.regulations.gov, your e-mail address is automatically captured and included as part of the comment that is placed in the

official public docket, and made available in EPA's electronic public docket.

Dated: March 20, 2013

Lorie J. Schmidt,
Associate General Counsel.

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